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Name: Clifford Chance Rogers & Wells LLP
Signature: Clifford Chance Rogers & Wells LLP

Docket No.: 3041-22

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : INTERNATIONAL DIOXIDE, INC.
Int'l Appln. No. : PCT/US00/23911
Int'l Filing Date : September 1, 2000
For : A GENERATOR FOR GENERATING CHLORINE
DIOXIDE UNDER VACUUM EDUCTION IN
A SINGLE PASS

New York, New York 10166-0163

Assistant Commissioner for Patents
Box PCT
2900 Crystal Drive
Arlington, VA 22202-3513

AMENDMENT AND STATEMENT UNDER ARTICLE 34

Sir:

This Amendment Under Article 34 is submitted in response to the Written Opinion mailed September 24, 2001. A reply, if filed, is due November 24, 2001.

Claim 25 has been amended to include the limitations of Claim 26 in Claim 25. Claim 26 has been deleted. Claims 27 to 36 have been renumbered as Claims 26 to 35. The dependency of original Claim 27 (now Claim 26) has been changed from Claim 26 to Claim 25. The dependency of original Claim 29 (now Claim 28) has been changed from Claim 28 to Claim 27. The dependency of original Claim 30 (now Claim 29) has been changed from Claim 29 to Claim 28. The dependency of original Claim 34 (now Claim 33) has been

changed from Claim 33 to Claim 32. The dependency of original Claim 36 (now Claim 35) has been changed from Claim 35 to Claim 34.

Replacement sheet 27 with the new claims is enclosed. A marked up copy showing the changes made to the examined claims is also enclosed. A minor error in Claim 34 was corrected where "and" was included in step (d) as well as at the end of step (c). No new matter is presented.

It is believed this Amendment overcomes the Examiner's opinion that Claim 25 lacks novelty over Cawfield et al. and Wehner et al. and that Claims 28-30 lack novelty over Wehner et al.

With respect to the Cawfield et al. patent, the mixture produced contains gaseous oxygen, not air. See Column 5, lines 13-15. See also Claim 1 where the catalyst used in the first step is "an oxygen-evolving catalyst". There is no suggestion that would lead one skilled in the art to replace oxygen with air or any of the inert gases recited in Claim 25.

With respect to Wehner et al., the use of chlorine dioxide in combination with claimed phosphonium stannate does not render Applicants' disinfecting mist obvious. There is no suggestion that the chlorine dioxide be "gaseous". Further, there is no suggestion that an "inert gas" should be present in the mist.

Respectfully submitted,

Date: December 20, 2001

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